



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/424,035	11/17/1999	THOMAS ECKEL	MO-5383/LEA3	7482

7590

03/13/2002

BAYER CORPORATION
100 BAYER ROAD
PITTSBURGH, PA 152059741

EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
----------	--------------

1714

14

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF=14

Office Action Summary

Application No.

09/424,035

Applicant(s)

Eckel et al

Examiner

Szekely

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

12/13/01

- ☒ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 and 13-15 is/are pending in the application.
- ☐ Claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 and 13-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Application/Control Number: 09/424,035

Art Unit: 1714

DETAILED ACTION

Specification

1. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claim 15, part D), contains all the ingredients claimed in claim 13.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 2-10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakegawa et al. 5,455,292, Lee et al. 5,674,924, or Cheil Industries EP 0 731 140, in view of Wittman et al. 5,061,745, Fuhr et al. 5,157,065, Podszun et al. 5,733,957 or Serini et al. 4,172,103.
4. The three primary references disclose the polycarbonate, the graft copolymer, the phosphates and the fluoropolymer claimed by applicants. The first three secondary references show that the properties of the fluoropolymer claimed by applicants is routinely used in flame retardant polycarbonate compositions. The only change applicants made, besides changing the

Art Unit: 1714

“consisting of” to “comprising”, is the insertion of the particle size for the graft copolymer. Serini et al., in column 5, lines 49-51, teach a particle size for the graft copolymer which encompasses applicants’ claimed range. In the paragraph overlapping columns 5 and 6, Serini et al. explain why the small particle size is important. Accordingly it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use a graft copolymer having a diameter of 0.03-10 microns, in order to achieve high weld line strength and high gloss. Submission of a declaration, containing experimental proof showing that the 0.05-2 micron particle diameter range is critical for the application, i.e. it has superior properties over a composition containing a graft copolymer having a particle diameter outside the claimed range, would obviate this rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on Tuesday through Friday from 7:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718 or (703) 305-5408.

Art Unit: 1714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Peter Szekely', with a stylized, flowing script.

Peter Szekely

Primary Examiner

Art Unit 1714